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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/307,004	05/07/1999	RICHARD HUMPLEMAN	SAM1.0061	4283

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EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

58

# Office Action Summary

Applicati n N .

09/307,004

Applicant(s)

HUMPLEMAN ET AL.

Examiner

Jason D Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Attached Office Action*.

**DETAILED ACTION**

1. This action is responsive to the remarks of the applicant (Paper No. 4) filed on 8/7/02. Claims 1-27 are presented for further examination.

***Specification***

2. The statuses of the co-pending applications [Spec, page 2] need to be updated.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea, U.S. Patent No. 6,052,750, in view of Day et al. "Day", U.S. Patent No. 5,953,526.

Regarding claim 1, Lea discloses a method for performing a service on a home network, the method comprising the steps of:

connecting a first home device to the home network [Lea, col. 5, line 53 - col. 6, line 46 and col. 8, lines 18-28];

connecting a second home device to the home network [Lea, col. 5, line 53 - col. 6, line 46 and col. 8, lines 18-28];

providing application interface description data objects including information in a structured format for commanding and controlling of a home device by one or more other home devices connected to the network [Lea, col. 8, line 8 - col. 8, line 59, col. 9, line 20 - col. 10, line 47, and col. 12, line 1 - col. 13, line 31];

the second home device accessing a first application interface description object for the first home device in the database and the first home device accessing a second application interface description object for the second home device in the database [Lea, col. 12, line 1 - col. 13, line 31 and col. 16, lines 36-67];

sending control and command data from the first home device to the second home device utilizing the application interface description object for the second home device over the network; and sending control and command data from the second home device to the first home device utilizing the application interface description object for the first home device over the network [Lea, col. 12, line 1 - col. 13, line 31 and col. 19, line 48 - col. 20, line 9].

Lea does not specially disclose providing a database that includes a plurality of application interface description data objects. However, Day, in the same field of endeavor, discloses a library (database) that stores a plurality of application interface description data objects [Day, col. 1, line 17 - col. 2, line 36 and col. 6, lines 9-67]. It would have been obvious to one having the ordinary skill in the art, at the time the invention was made, to incorporate a database, taught by Day, into the communication system, taught by Lea, since Day suggests the use of API, similar to the programming interface for each node disclosed by Lea [Lea, col. 1, lines 9-12 and col. 3, lines 2-10],

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to be used with Java and Java objects. One of ordinary skill in the art would have been motivated to modify Lea to include the database, in view of Day, so as to be able to make the system more universal (ie. with the use of Java). Therefore, it would have been obvious to combine Lea and Day (Lea-Day) to obtain the invention as specified in claim 1.

5. Regarding claim 2, Lea-Day further discloses the structured format includes XML format [Lea, col. 3, lines 2-10 and col. 26, lines 34-67] [Day, col. 7, lines 1-50].

6. Regarding claim 3, Lea-Day further discloses connecting a database device to the network, wherein the database device stores the database [Lea, col. 15, line 61 - col. 16, line 35] [Day, col. 1, line 17 - col. 2, line 36 and col. 6, lines 9-67].

7. Regarding claim 4, Lea-Day further discloses the first home device stores the first application interface data therein, the second home device stores the second application interface data therein, and an initial step of forming the database by steps including querying the first and second home devices to transfer the application interface data for the first and second home devices to the database device [Lea, col. 12, line 1 - col. 13, line 31 and col. 16, lines 36-67] [Day, col. 1, line 17 - col. 2, line 36 and col. 6, lines 9-67].

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8. Regarding claim 5, Lea-Day further discloses providing the first application interface description object for the first home device from the database to the second home device over the network [Lea, col. 12, line 1 - col. 13, line 31 and col. 16, lines 36-67] [Day, col. 2, line 54 - col. 3, line 10 and col. 4, line 66 - col. 5, line 21].

9. Regarding claim 6, Lea-Day further discloses providing the second application interface description object for the second home device from the database to the first home device over the network [Lea, col. 12, line 1 - col. 13, line 31] [Day, col. 4, line 66 - col. 5, line 21].

10. Regarding claim 7, Lea-Day further discloses connecting three or more home devices to the network, wherein at least one home device accesses the database to query the application interface description objects of a plurality of home devices for sending command and control data to the plurality of home devices over the network [Lea, col. 3, lines 2-10 and col. 26, lines 34-67] [Day, col. 5, lines 46-66].

11. Regarding claim 8, Lea-Day further discloses each application interface description object includes data in a structured format [Lea, col. 3, lines 2-10] [Day, col. 6, lines 39-67].

12. Regarding claim 18, Lea-Day further discloses the steps of providing an agent that creates the database [Lea, col. 3, lines 2-10] [Day, col. 6, lines 39-67].

13. Regarding claim 19, Lea-Day further discloses the steps of providing an agent that creates the database by obtaining the application interface description data object of each device and storing it in the database [Lea, col. 3, lines 2-10] [Day, co. 6, lines 39-67].

14. Regarding claims 9-17 and 20-27, claims 9-17 and 20-27 have similar limitations as claims 1-8, 18 and 19. Therefore, they are rejected under Lea-Day for the same reasons set forth in the rejection of claims 1-8, 18 and 19 [Supra 1-8, 18 and 19].

### ***Response to Arguments***

15. Applicant's arguments filed 8/7/02 have been fully considered but they are not persuasive.

16. (A) Lea does not disclose placing the interface descriptions of the home network devices in the database by the home network devices to perform command and control therebetween. Nor does Lea disclose a process wherein to command and control a first device, a second device accesses that database to obtain the interface description of the first device, to send command and control data to the first device, whereby the first and second devices autonomously provide a service for the user.

As to point (A), during patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Lea does disclose interface descriptions of home network devices to perform command and control therebetween [Lea, col. 12, line 1 - col. 13,

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line 31]. Lea does not specially disclose providing a database that includes a plurality of application interface description data objects. However, Day, in the same field of endeavor, discloses a library (database) that stores a plurality of application interface description data objects [Day, col. 1, line 17 - col. 2, line 36 and col. 6, lines 9-67]. It would have been obvious to one having the ordinary skill in the art, at the time the invention was made, to incorporate a database, taught by Day, into the communication system, taught by Lea, since Day suggests the use of API, similar to the programming interface for each node disclosed by Lea [Lea, col. 1, lines 9-12 and col. 3, lines 2-10], to be used with Java and Java objects. One of ordinary skill in the art would have been motivated to modify Lea to include the database, in view of Day, so as to be able to make the system more universal (ie. with the use of Java). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

17. (B) Day does not mention a library or database including the device interface descriptions according to the claimed invention.

As to point (B), Day discloses class libraries that contain device interface descriptions [Day, col. 5, line 46 - col. 6, line 38]. During patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969).



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18. (C) No motivation to combine Lea and Day

As to point (C), In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, since Day suggests user interface control (programmers), similar to controlling multiple devices disclosed by Lea [Lea, col. 1, lines 9-12], to be used with JAVA [Day, col. 1, lines 8-13 and col. 2, lines 39-53]. One of ordinary skill in the art would have been motivated to modify Lea to include the library, in view of Day, in order to have easier user control over the devices.

***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone, whose telephone number is (703) 305-8484. The examiner can normally be reached on Monday through Thursday from 9:00am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communications)

(703) 746-7239 (Official Communications)


(703) 746-7240 (For Status inquiries, Draft Communications)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 305-3900.



Jason D. Cardone

October 17, 2002



ZARNI MAUNG  
PRIMARY EXAMINER